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09/409,128	09/30/1999	EDWARD O. CLAPPER	INTL-0274-US	4951

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EXAMINER

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ART UNIT	PAPER NUMBER
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2611

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Art Unit: 2611



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/409,128
Filing Date: September 30, 1999
Appellant(s): CLAPPER, EDWARD O.

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/11/05 appealing from the Office action mailed 8/23/04.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(The final office action is included for the convenience of reviewing to the Board).

DETAILED ACTION

Remark

1. Claims 9 and 18 were canceled in the amendment dated 12/1/03; and claims 26-30 were canceled in the pre-amendment dated 03/10/04.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10-17, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Astiz et al.(U.S. Patent 5,918,012).

Regarding claims 1 and 11, Astiz discloses “a method of comprising: selecting other information by accessing a particular location on a frame of video being played back; automatically paused the video playback when the other information is accessed by selecting a location on the frame; and providing the other information while said video playback is paused”, i.e., Astiz discloses a system and its corresponding technique for a user to select other information, for instance, a dynamic hyperlink, by accessing a particular location on a frame of video being played back (col. 4/lines 48-59), for instance, using a pointing device as a mouse, a touch screen, a remote control, a light pen etc. (col. 3/lines 19-20) to select a location on the

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display screen or the location of the frame identified by x and y coordinate positions (col. 4/line 60-col. 5/line 7), and particularly, the pausing as the user selects the other information is performed automatically as Astiz shows that the user can set up the pausing is automatically done after first click on the BVT options (see Fig. 9, and col. 12/lines 43-65); and the other information or the different information than the video being played back is displaying to the user/viewer on a browser (see Fig. 7 for the process, col. 7/lines 1-18 and col. 10/line 66 to col. 11/line 46).

Regarding claims 2, 12 and 22, Astiz further discloses to include the step of “defining a display grid system and specifying at least one location in said grid system using coordinates” (Fig. 7, and col. 11/lines 1-25 for step 73, coordinates are used for obtaining at least one location in the grid system).

Regarding claims 3, 13 and 23, in view of claim 1 above, Astiz further discloses to include “developing a frame identifier using a time code”, i.e., time dimensions regarding as time code for associated with X and Y coordinates of a frame (or image) at that particular point in time (col. 7/lines 1-44 for this concern).

As for claims 4 and 14, in further view of claim 1 above, Astiz further discloses to include “linking to other information without encoding a hyperlink into the video”, i.e., Astiz’s technique allows the viewer to link from some subject matter on a viewer screen to other data from another URL, namely, from a screen to a screen, based on x and y coordinates without encoding a hyperlink into the video information (Fig. 7, col. 4/lines 48-59, and col. 6/line 56 to col. 7/line 36).

As for claims 5, 15 and 25, in view of claim 1 above, the step of “including linking to other information on the same medium that stores said video” is disclosed by Astiz as Astiz discloses that information data and other related information data is on the same medium within the system (Fig. 3 shows a same medium system, such as Internet server 33 and map 35 for storing the video information and a map file of video data file, col. 8/lines 6-59).

Regarding claims 6, 16 and 24, in further view of claim 1 above, Astiz further includes “linking video information on one processor-based system to other information on a separate processor-based system”, i.e., separate processor-based systems are suggested (col. 5/lines 50-67).

Regarding claims 7, 17 and 21, Astiz further discloses the steps of “wherein accessing said other information includes using a pointing device to select a location on a frame” (col. 3/lines 19-20 & col. 6/line 64 to col. 7/line 18 for using a pointing device to select a location on a frame).

Regarding claim 8, Astiz further discloses “wherein using a pointing device includes using a remote control unit”, i.e., a pointing device as a remote control unit is addresses (col. 3/lines 19-20).

(Claims 9, and 18 were canceled).

Regarding claims 10 and 19, Astiz inherently suggests the steps of “automatically resuming the playback of said video when the other information is no longer being accessed”, i.e., the user can set up options such as pause or continue after a click and different looping for the video program to continue (col. 12/lines 39-65) which suggests that when the other information, for instance, the hyperlink information or hot spots, is no longer being accessed, the

playback of the video would resume and continue depending on the user's pre-setting at the options.

As for claim 20, Astiz further discloses "a processor-based system comprising a processor; a storage coupled to said processor, storing software to select other information by accessing a particular location on a frame of video being played back, automatically pause the video playback when the other information is accessed by selecting a location on the frame, and provide the other information while said video playback is paused" (Fig. 3, with a data processor 30 and a storage as map 35 for storing software or file to link to additional information, see col. 8/lines 6-59; and see claim 1 above for the automatic pause concerned).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,918,012

ASTIZ et al.

06-1999

(9) Examiner's arguments

Appellant's arguments filed on 1/11/05 have been fully considered but they are not persuasive.

The Appellant mainly focuses on claim 1 for the automatic pause function of the video playback when the other information is accessed by selecting a location on the frame.

The Appellant keeps arguing and incorrectly points out that Examiner's ground of rejection involving the Astiz reference does not show or teach the step of "automatically pausing the video playback when the other information is accessed by selecting a location on the frame" by making a reference to paper no. 18 (final Office Action 2/26/2004). However, note that the claims on appeal are different from the claims in the application prior to 2/26/2004 final Office Action. Therefore, appellant's argument is not persuasive.

Claim 1 recites **"automatically pausing the video playback when the other information is accessed by selecting a location on the frame; and providing the other information while said video playback is paused"**.

Astiz teaches the same technique. First, Astiz teaches accessing other information by selecting a location on the frame and providing the other information in col. 4, lines 54-59 and col. 7, lines 1-18. For example, accessing hypertext on screen (42, figure 4) provides corresponding information on screen (41, figure 4). Alternatively, accessing hyperlink (41) provides corresponding information on screen (43).

Secondly, figure 9 and col. 12, lines 29 - 65 of Astiz describe pausing a video after a click. This is an option in the BVT header file that is related to a video playback. If the pause

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option is enabled, then accessing other information by selecting a location on the frame will automatically pause the video playback and provide the information while the video playback is paused. For example, when the user accesses hyperlink (41 –figure 4), the video playback (in screen 41) is paused and the corresponding information on screen (43) will be provided.

The pause function of Astiz is not merely a pause as argued by applicant. Again, the option to pause after a click in figure 9 pertains to at least screen (41) of figure 4. Accessing the hyperlink involves clicking on the hyperlink or hot spot. The video playback is automatically paused from that click while the other information is provided. Again, when the user accesses the hyperlink (other information) in screen (41), the video playback in screen (41) is paused and the other information is provided in screen (43).

For the above reasons, it is believed that the rejections should be sustained.



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